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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,013	10/07/2003	Michael Furst	FURST, M-2	4715

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EXAMINER

TRAN, THAO T

ART UNIT PAPER NUMBER

1711

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/680,013	Applicant(s) FURST, MICHAEL	
Examiner Thao T. Tran	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 January 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-13 and 15-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-13 and 15-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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DETAILED ACTION

Election/Restrictions

1. The Reply filed 01/31/2005 is acknowledged. However, upon reconsideration, the Restriction requirement of 12/20/2004 has been withdrawn. All claims are now rejoined.
2. The Amendments filed 9/29/2004 is acknowledged.
3. Claims 1, 3-13, 15-25 are currently pending in this application. Claim 1 has been amended. Claims 2 and 14 have been canceled. Claim 25 has been newly added.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-4, 10-13, and 15-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Furst (US Pat. 5,998,015).

In regards to claims 1, 3-4, 10-13, Furst teaches a plastic film, particularly polypropylene copolymer, comprising a polyolefin substrate, an intermediate layer, a siliconized layer (anti-bonding), and an adhesive layer (see abstract; Fig. 1).

In regards to claims 15-16, 20, and 25, the intermediate layer is composed of a flame-retardant lacquer, the silicon coating and intermediate layer can be composed of a number of individual layers (see Fig. 2; col. 1-6, 16-22), thus constituting adhesive layers in between other

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layers. Since Furst teaches the intermediate layer to be a lacquer layer, thus the lacquer layer would inherently have the barrier characteristics as presently claimed.

In regards to claims 1, 17-19, and 21, since Furst teaches the same laminate, the layers would inherently have the same properties, such as coefficient of thermal expansion and elongation, as those in the presently claimed invention. Moreover with respect to claims 17-19, it has been within the skill in the art that how an article is formed would have insignificant patentable weight in article claims.

In regards to claims 22-24, since Furst teaches the plastic films can be stacked without having the adhesive layer sticks to the silicone coating, the film would be a release film. With respect to the intended use of the film, it has been within the skill in the art that intended use would have insignificant patentable weight in article claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst as applied to claims 1 and 3 above, and further in view of Kurfman et al. (US Pat. 4,115,619).

Furst is as set forth in claims 1 and 3 above and incorporated herein.

Furst does not teach the film layer being formed of polyamide, polyethylene terephthalate, polyacrylonitrile, or a mixture thereof.

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Kurfman teaches the use of a laminate made of thermoplastic resin, including polypropylene, polyamide, polyethylene terephthalate, polyacrylonitrile (see col. 3, ln. 23-42).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have employed these thermoplastics, as taught by Kurfman, in the laminate of Furst, for the purpose of increasing heat resistance, melt fluidity, processability, chemical and impact resistance. This is because as Kurfman teaches these thermoplastics would be used as alternatives of each other and would have yielded the same results, as they are cheap and superior in structural properties.

Response to Arguments

8. Applicant's arguments filed 9/29/2004 have been fully considered but they are not persuasive.

Throughout the Remarks, Applicants contend that Furst teaches a different film than presently claimed because Furst's film does not have the outside layer with a greater heat expansion coefficient, which prevents the curl effect. However, as pointed out in the prior Office action and paragraph 5 above, since Furst teaches the same laminate comprising the same chemical compositions, the layers would inherently have the same chemical and physical properties as those in the presently claimed invention.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

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9. In response to applicant's argument that Kurfman is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Kurfman is used to illustrate that a laminate comprising a film made of polyamide, polyethylene terephthalate, or polyacrylonitrile as alternatives of polypropylene has been taught in the prior art, for the purpose of enhancing heat resistance, melt fluidity, processability, and chemical and impact resistance. Thus, the combination of Furst and Kurfman is proper.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 18, 2005



**THAO T. TRAN
PATENT EXAMINER**